

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LUIS ANTONIO AGUILAR MARQUINEZ,
et al.,

Plaintiffs,

v.

DOLE FOOD COMPANY, INC., *et al.*,

Defendants.

Civil Action No. 1:12-cv-00695-RGA

(Consolidated with 00696, 00697, 00698,
00699, 00700, 00701, 00702)

**RULE 41 MOTION TO VOLUNTARILY DISMISS PLAINTIFF EUGENIO DE JESUS
VIVAR SANCHEZ WITHOUT PREJUDICE**

NOW comes Plaintiff Eugenio De Jesus Vivar Sanchez, individually and through his attorneys, and files this Rule 41 Motion to Voluntarily Dismiss Without Prejudice.

Plaintiff Eugenio De Jesus Vivar Sanchez no longer intends to pursue his claims in this action.

WHEREFORE, Plaintiff Eugenio De Jesus Vivar Sanchez requests this Honorable Court to enter an order dismissing his claims without prejudice in the above-referenced matter.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

Dated: **February 14, 2025**

CERTIFICATE OF CONFERENCE

On February 12, 2025, counsel for Plaintiffs emailed all counsel requesting a time to meet and confer regarding Plaintiffs' intent to file motions to dismiss without prejudice or, in the alternative, that any Defendant unopposed to such motion advise Plaintiffs of their non-opposition. To date, not a single counsel for Defendant has responded to that request, or to the follow up email again requesting a response.

Given that counsel for Defendants have failed to respond to Plaintiff counsel's effort to confer by telephone regarding the motions to dismiss without prejudice or to advise Plaintiffs of their non-opposition, and instead have unequivocally announced to the Court their opposition to dismissal without prejudice of similarly situated Plaintiffs by asking the Court to dismiss the cases *with* prejudice, Counsel for Plaintiffs state that all Defendants appear to be opposed to Plaintiff's motion to dismiss without prejudice.

/s/ Scott M. Hendler
Scott M. Hendler

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record for all parties in the above cause on February 14, 2025.

/s/ Drew C. Dalton
Drew C. Dalton